

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 3172 PUS; 67080-094	
CERTIFICATE OF ELECTRONIC SUBMISSION I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>March 13, 2007</u> Signature <u>/Lindsey C. Fortney/</u> Typed or printed name <u>Lindsey C. Fortney</u>		Application Number 10/752,398 First Named Inventor Christopher N. Gab Art Unit 3637 Filed 01/05/2004 Examiner Ayres, Timothy Michael	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/90) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,794</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>/John E. Carlson/</u> _____ Signature John E. Carlson _____ Typed or printed name 248-988-8360 _____ Telephone number March 13, 2007 _____ Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-5199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Glab, Christopher N. Art Unit: 3585
Serial No.: 10/752,398 Examiner: Ayres, Timothy M.
Filed: January 5, 2004
Title: PALLET

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Dear Sir:

Applicant requests review of the Final Rejection mailed October 13, 2006 for the reasons stated below.

Claims 1-3 and 5-18 stand rejected.

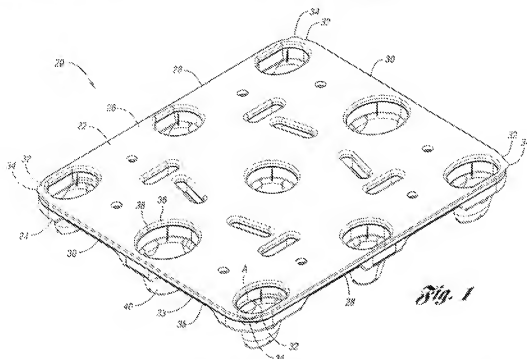
Summary of Invention

Pallets are often used to store and transport a load of goods. The pallets maintain the goods at a distance above the floor such that they can be readily lifted and moved by a fork of a lift truck. Some pallets have stringers or double decks forming openings that receive the forks of the lift truck. Other pallets are nestable within one another when empty to facilitate storage and transport. Nestable pallets typically include a deck with feet extending downward (and no lower deck). Openings in the deck align with the feet, such that the feet of a similar deck could be received within the openings to reduce the height of the stacked pallets when empty. The present claims relate only to nestable pallets.

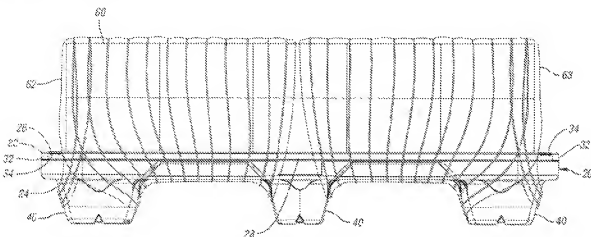
The load may shift relative to the pallet during transportation of the pallet and load. A plastic wrap is sometimes used to help secure the load to the pallet. The wrap is wrapped around the load and around vertical supports of the pallet so that the connection between the pallet and load is more securely maintained. The wrap helps prevent a shift of the load relative to the pallet.

Referring to Figure 1 (reproduced below), the present invention provides a pallet with an upper deck that is shaped to accommodate a wrap securing goods to the pallet. The pallet according to the

disclosed embodiment of the present invention includes at least one projection 34 from at least one corner of the pallet. The projections assist in preventing the wrap from slipping off the adjacent edge of the pallet upper deck and maintain the connection between the pallet and the load.



As shown in Figure 6 (reproduced below), the projections 34 help keep the wrap 62, 63 from slipping off the corners of the pallet.



§103 Rejection

Claims 1-3 and 5-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S.

Patent No. 5,046,434 to Breezer (Breezer) in view of Japanese Patent No. 2001-270,525 to Ishizuka Glass (Glass).

It is agreed that Breezer teaches a nestable pallet, but does not include the projections as claimed. The Examiner argues that it would be obvious to modify the nestable pallet of Breezer to include the claimed projections in view of Ishizuka.

Claims 1 and 8 recite at least one projection projecting from the corner edges, and that the at least one projection is not continuous about a periphery of the deck. Claim 13 recites at least one projection extending outwardly from the circumferential edge.

The Examiner agrees that Breezer teach a peripheral lip (28) which is continuous around the periphery of the load-bearing member (22). However, the Examiner contends that while the lip (28) is necessary during manufacture, the lip (28) has no function after manufacture and, as such, the lip (28) can be removed and replaced with the projection taught by Glass. Applicant respectfully disagrees.

Breezer discloses a load-bearing member (22), which is formed from two separate sheets, an upper sheet (24) and a lower sheet (26), of thermoplastic material (Figures 5 and 6). The projection (A'), as referenced by the Examiner, is a peripheral lip (28) that is formed by the edges of the upper sheet (24) and the lower sheet (26) of thermoplastic material when they are joined together around a periphery of the load-bearing member (22) (col. 3, lines 5-10). The peripheral lip (28) must be continuous about the periphery of the load-bearing member (22) to effectuate joining the upper sheet (24) and the lower sheet (26) together to form the load-bearing member (22) of Breezer.

The peripheral lip (28) of Breezer is functional, functioning as the "joint" between the upper sheet (24) and the lower sheet (26) to form the load-bearing member (22), while runners and sprues are merely in-process excess material inherent in a manufacturing process. That is, runners and sprues are used as a delivery system in the manufacture of plastic parts to merely supply hot, liquid material from a heating source to a mold where the hot, liquid plastic material is cooled to form a plastic part. The runners and sprues are subsequently "knocked off" after the cooling process. While it may be common practice in plastic molding to remove runners and sprues after the manufacture of a plastic part produced by a manufacturing process that requires them, runners and sprues are *not* used in twin-sheet thermoforming and it is *not* common practice to remove the "joint" that joins two plastic parts joined together by a thermoforming process. Removal of the peripheral lip (28) would compromise the structural integrity of the load-bearing member (22), thereby reducing the load-bearing capability of the load-bearing member (22). As such, removing the peripheral lip (28) of Breezer would destroy a

purpose of the load-bearing member (22).

Further, one of the benefits of the twin-sheet thermoforming process is to provide a product of complex geometry and increased structural integrity while reducing and/or eliminating secondary processing. However, both *removing* the peripheral lip (28) and *replacing* the peripheral lip (28) with the projection taught by Glass, as suggested by the Examiner, would *add* unnecessary secondary processing steps thereby eliminating a benefit of the twin-sheet thermoforming process.

Therefore, both *removing* the peripheral lip (28) and *replacing* the peripheral lip (28) of Breezer with the projection taught by Glass, as suggested by the Examiner, would defeat the purpose of the peripheral lip (28), i.e. to join the upper sheet (24) to the lower sheet (26) to form the load-bearing member (22) of Breezer and also defeat the purpose of the twin-sheet thermoforming process by adding unnecessary secondary processing. The claimed invention requires "at least one projection extending outwardly from at least one of the corner edges, wherein the at least one projection is not continuous about a periphery of the deck." As such, the claimed invention is allowable over Breezer in view of Glass and withdrawal of the rejection is respectfully requested.

The Commissioner is authorized to charge Deposit Account No. 50-1984 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

/John E. Carlson/

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Dated: March 13, 2007